

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**Department of Agriculture  
Market and Warren Streets  
1<sup>st</sup> Floor Auditorium  
Trenton, NJ 08625**

**REGULAR MEETING**

**February 23, 2017**

Acting Chairwoman Monique Purcell called the meeting to order at 9:03 a.m.

The flag salute was conducted at the start of the meeting.

Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

**Members Present**

Acting Chairwoman Monique Purcell  
Thomas Stanuikynas (rep. DCA Commissioner Richman)  
Renee Jones (rep. NJDEP Commissioner Martin)  
Ralph Siegel (rep. State Treasurer Scudder)  
James Waltman  
Jane Brodhecker  
Peter Johnson  
Brian Schilling (rep. Executive Dean Goodman)  
Scott Ellis  
Alan Danser, Vice Chairman

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**Members Absent**

Denis C. Germano, Esq.

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Susan E. Payne, SADC Executive Director  
Jason Stypinski, Esq., Deputy Attorney General

**Others present as recorded on the attendance sheet:** Stefanie Miller, Richard Martin, Dan Knox, Heidi Winzinger, Jeffrey Everett, Kristen Johnson, David Kimmel, Charles Roohr, David Clapp, Pat O'Connell, Paul Burns, Steven Bruder, Hope Gruzlovic, Brian D. Smith, Esq., Alison Reynolds, Esq., Cindy Roberts, Katie Garrett, Sandy Giambrone and Kendra Hall-Perkins, SADC staff; Lisa LeBeouf, Governor's Authorities Unit; Alec Gioseffi, Chris Moran and Vishal Pethak, Cherry Valley Cooperative, LLC; Daniel Pace, Mercer County Agriculture Development Board; Brigitte Sherman, Cape May County Agriculture Development Board; Donna Rue, landowner, Monmouth County; Larry Freeborn and Erin Lytle, Tranquility Farms, Sussex County; Mark Villinger, Ocean County Agriculture Development Board; Adam Bradford, Hunterdon County Agriculture Development Board; Katherine Fullerton, East Amwell, Hunterdon County, and Kevin Celli, Willow Creek Winery, Cape May County.

### **Minutes**

A. SADC Regular Meeting of January 26, 2017 (Open and Closed Sessions)

It was moved by Mr. Schilling and seconded by Ms. Jones to approve the Open Session and Closed Session minutes of the SADC regular meeting of January 26, 2017. The motion was approved. (Mr. Danser abstained from the vote.)

### **REPORT OF THE ACTING CHAIRMAN**

Acting Chairwoman Purcell advised that Secretary Fisher continues to be out due to a motor vehicle accident. However, he did attend the State Board meeting on February 23 and continues to get better each day.

- State Agricultural Convention

Acting Chairwoman Purcell stated that the State Agricultural Convention went very well. She indicated that based on surveys of the delegates, agricultural labor ranked as the most important issue, followed by the Right to Farm Act and agricultural education. There is a real shortage of agriculture education teachers.

At this time there are about 5 to 10 agricultural education teachers who are eligible to retire. These departures will leave a significant gap in agricultural education. As such, Nancy Trivette and her staff at the N.J. Department of Agriculture are working hard to support and encourage students to become agricultural education teachers.

- Board Members

Acting Chairwoman Purcell advised that the following two State Board of Agriculture members were nominated at the State Agricultural Convention: Eric Doyle of Hunterdon County who represents livestock and was re-nominated to serve another term, and Alfred Natali from South Jersey who represents the wine industry. In addition, George Asprocolas from Monmouth County was nominated for the Central New Jersey farmer position on the Fish and Game Council.

- Veterinary Feed Directive

The Food and Drug Administration (FDA) recently changed how some antibiotic medications are used for animal feed. Since January 1, 2017, these medications require a Veterinary Feed Directive order to be used in a medicated feed. In support of this directive, the N.J. Department of Agriculture is holding outreach meetings to the agricultural community in early March in Warren, Burlington and Salem County. Additional information can be found on the department's website.

- Drought

Acting Chairwoman Purcell advised that although there has been some rain, the drought status remains the same. The drought warning that has been imposed in the 14 Northern/Central counties continues. There is a drought watch in Burlington, Camden, Gloucester and Salem counties. Atlantic, Cape May and Cumberland counties were classified as normal.

### **REPORT OF THE EXECUTIVE DIRECTOR**

- SADC Newsletter

Ms. Payne introduced the SADC's new newsletter called CERES, which is targeted to preserved farm landowners. The newsletter, spearheaded by Mr.

Everett and Ms. Gruzlovic, is designed to help farmers trying to implement good conservation practices on their farms and to serve as a positive viability resource for farmers. The SADC will try to distribute the CERES newsletter twice a year in order to keep landowners updated. Feedback on the newsletter is welcome.

- Deer Fencing

Ms. Payne stated that deer fencing applications are due by March 23, 2017. There has been widespread notification regarding the Deer Fencing Program so the agricultural community should be well informed at this point.

- CADB Input Sought on Special Occasion Events

Ms. Payne brought to the Committee's attention a memo from herself and Peter Furey, Executive Director of the New Jersey Farm Bureau, inviting County Agriculture Development Boards (CADBs) to provide input regarding special occasion events. The SADC is working with the N.J. Department of Agriculture and the Farm Bureau to assemble a group to discuss special occasion events. The 44-month pilot program for winery special occasion events on preserved farms will end in March 2018. SADC staff will be working with the agricultural community over the next six months to explore issues such as to what extent do special occasion events play a role in new agriculture and agricultural tourism, how does that square with the deed of easement, and should activities involving these events be eligible for Right to Farm protection? Staff is inviting participation from CADB staff or members who are interested in serving on this working group, as well as interested SADC members. Once responses are in and the interest level is determined, the working group members will be identified. Mr. Johnson expressed interest in serving on the working group.

- Agricultural Land Easement (ALE) Program – Deed of Easement Template

Ms. Payne stated that several months ago staff appeared before the Committee and reviewed the new ALE deed template in comparison to the old federal deed template, as well as areas of ongoing negotiations with NRCS. Negotiations have concluded and staff was successful at resolving some issues. Ms. Payne stated that the question now is whether the changes to the deed template will affect the willingness of counties or nonprofits to participate in and use ALE from this point forward. Previously, Secretary Fisher asked Ms. Payne to send the final draft

template to SADC partners and solicit their feedback as to whether or not it will affect their decisions to continue to use federal funds. Ms. Payne advised that staff will come back to the Committee with more details.

- Resolutions from the State Agricultural Convention

Ms. Payne directed the Committee's attention to a series of resolutions from the State Agricultural Convention regarding soil disturbance, the Right to Farm Program, farmland preservation, the Highlands Regional Master Plan, microenterprises on preserved land, the Pinelands, and farmer members on the SADC. Regarding farmer members on the SADC, she stated that the State Board is actively seeking farmer candidates in order to have backups available in the event a farmer member is unable to attend an SADC meeting.

### **COMMUNICATIONS**

Ms. Payne advised that there was nothing to report other than the news articles in the members' packets.

### **PUBLIC COMMENT**

Donna Rue, a landowner in Monmouth County, stated that she would like the CERES newsletter to be circulated more often than twice a year. She feels the newsletter can be shortened to a one-page flyer and sent out to preserved farmland owners on a more frequent basis. Ms. Payne stated that the SADC is trying to expand communications across the board and if she feels there is more frequent information to report in the CERES newsletter, she would consider expanding reporting to encompass that.

### **NEW BUSINESS**

#### **A. Eight Year Farmland Preservation Program – Renewals, Terminations, Withdrawals**

##### **1. Termination**

Ms. Payne referred the Committee to the Eight-Year Program Summary showing one termination as follows:

- a. Czarniak, Daniel P. and Margaret A., SADC #0113-68F-01; 01-0043-8F,

Hammonton Township, Atlantic County, 20.4 acres  
Soil and Water Conservation Cost-Share Grant Eligibility: \$12,240.00;  
\$8,858.82 Paid

Ms. Payne advised that this is for the Committee's information and no action is required.

**B. Resolutions for Final Approval – Municipal Planning Incentive Grant Program**

Ms. Miller and Ms. Roberts referred the Committee to two requests for final approval under the Municipal Planning Incentive Grant program. They reviewed the specifics with the Committee and stated that the recommendation is to grant final approval as outlined in said resolutions.

It was moved by Mr. Siegel and seconded by Ms. Brodhecker to approve Resolutions FY2017R2(1) and FY2017R2(2) granting final approval to the following applications under the Municipal Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said resolutions:

**MUNICIPAL PLANNING INCENTIVE GRANT PROGRAM**

1. Patricia Maertens, SADC #21-0593-PG (Resolution FY2017R2(1))  
Block 1200, Lot 2403, Hope Twp., Warren County, 25.5 Gross Acres
2. Steven and Kathy Williams, SADC #17-0162-PG (Resolution FY2017R2(2))  
Block 60, Lot 18, Upper Pittsgrove Twp., Salem County, 22 Gross Acres

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. (Copies of Resolution FY2017R2(1) and Resolution FY2017R2(2) are attached to and are part of these minutes.)

**C. Stewardship**

1. Agricultural Labor Unit
  - a. Cherry Valley Cooperative, Montgomery Twp., Somerset County

Mr. Roohr reviewed the above-referenced agricultural labor housing request with the Committee. Alec Gioseffi is the farm manager, president and operator of Cherry Valley

Cooperative and also a young and beginning farmer. Cherry Valley is approximately 96 acres in Montgomery Township, with about 64 of those acres in the Farmland Preservation Program. Cherry Valley Cooperative is made up of four distinct farming operations consisting of organic fruits and vegetables (5 acres), mushrooms (<1 acre), livestock (5 acres) and free-range poultry and eggs, each managed by a separate person. Since 2013, these operations have been located on two tracts of farmland in adjacent Franklin Township that provide a total of 11 farmable acres. The farm's output is sold through an onsite Community Supported Agriculture (CSA) business, as well as a small amount of wholesale accounts with local restaurants. Cherry Valley Cooperative has outgrown its current location and was given the opportunity to locate to and expand its agricultural business operations to the Montgomery Township farm pursuant to a lease with the owner. With its proposed expansion onto this premises, Cherry Valley Cooperative has plans to create an area to process its output into value-added products and to convert an existing garage into an onsite farm market.

The SADC received an application from Mr. Gioseffi seeking to erect up to eight yurts and two Davis tents in an overgrown, ¼-acre corner of the premises as housing for year-round and seasonal agricultural laborers associated with Cherry Valley Cooperative's expanded operations. A yurt is a circular domed tent constructed of a collapsible wooden lattice frame covered with a fabric roof and sidewalls. A Davis tent is a traditional four-wall canvas style camping tent. These units would be constructed on wooden decks and would utilize composting toilets and greywater filtering systems to minimize impacts to the land. Mr. Gioseffi has indicated that quotes to repair and renovate the existing farmhouse on the exception area have been approximately \$500,000. Mr. Roohr advised that Cherry Valley Cooperative would prefer to put its financial resources toward developing the agricultural production end of its business rather than making a heavy investment into repairs of the farmhouse at this point. Four yurts would be used to provide housing for the year-round operators of the farm, three yurts would provide housing to seasonal employees, one yurt would be used as a communal kitchen/bathroom and the two Davis tents would be used as needed for farm interns during peak summer months only. Cherry Valley Cooperative has begun converting the premises into an organic fruit and vegetable operation in conjunction with moving its livestock and egg-laying flock to the site for the 2017 season and anticipates the need for four year-round employees and 6 to 8 seasonal employees this summer.

Cherry Valley Cooperative intends to utilize 10 acres of the premises for a variety of fruits and vegetables, 16 acres for livestock pasture, 3 acres for egg-laying poultry and one acre for mushroom production, and will retain 12 acres in cover crops for rotational purposes. Furthermore, Cherry Valley Cooperative has moved livestock onto the

premises, begun erecting hoop houses for spring propagation, and mowed and renovated a previously abandoned approximately 10-acre area for fruit and vegetable production. The production techniques employed by Cherry Valley Cooperative would replace conventional mechanical and chemical practices with hand labor, thereby increasing its need for laborers when compared to a traditional operation. The occupants of these units would be full-time, year-round and seasonal employees of the farm. Mr. Gioseffi has asserted that the availability of affordable housing for seasonal agricultural workers in this area of the county is extremely limited and that the dependence on off-site labor is unreliable and inefficient. Mr. Gioseffi states that onsite labor is needed to maintain and grow Cherry Valley Cooperative's fruit, vegetable, mushroom, livestock and egg production operations. The requested living units range in size from approximately 198 sq./ft. to 731 sq./ft. each, and would be used as sleeping/living quarters, with kitchen and shower facilities located nearby in an 855 sq./ft. communal yurt.

Mr. Roohr stated that the Township is a co-holder of the easement along with the Montgomery Friends of Open Space. Both reviewed this application and approved the concept, contingent on the SADC's approval. The nonprofit's approval also specified that if any of the yurt or tent units become unnecessary or un-lived in for a 12-month period they must be taken down. Mr. Siegel questioned whether the Township would grant Cherry Valley Cooperative a certificate of occupancy for the yurts. Mr. Roohr stated that he believes Mr. Gioseffi and his team did a great deal of educational outreach to numerous boards and there seems to have been good will at the Township, but to his knowledge the Township has not committed to a certificate of occupancy or other approvals. Mr. Siegel and Mr. Danser wanted to know if yurts would be considered covered under the Right to Farm Act. Ms. Payne advised that the Right to Farm Act would be Cherry Valley Cooperative's proper course of action if needed, although the SADC has not protected agricultural housing to date under Right to Farm. She does not believe the SADC has issued a Right to Farm decision regarding agricultural labor housing nor has the SADC adopted an agricultural management practice (AMP) for agricultural labor housing. The Committee discussed what may be the reluctance by some towns to approve trailers, temporary housing and other agricultural labor housing. Ms. Payne stated that if such a case arises, the Committee would have to make a decision whether Right to Farm protection can be extended under the SADC's current rules or whether the Committee needs to adopt an AMP to provide such protection.

Mr. Roohr showed the Committee a short Cherry Valley Cooperative video describing its CSA that was filmed at its previous location. He then introduced Mr. Gioseffi who described his background, his organization's initial efforts to operate a CSA – which grew from 20 members to 100 members with a waiting list in three years – and their



realization that they needed more land to expand, resulting in the purchase of their current property at auction in July. The property had not been farmed in a little over a decade so much of it is in disrepair. He provided an overview of the farm's management and operations, including educational programming for schoolchildren. Mr. Gioseffi stated that his team is in the process of transitioning to the new farm and they are focusing on being able to live on the property. Ideally, the yurts will be set up by mid-April so they can live on-site at the start of the growing season. After that they plan a facilities barn, a certified kitchen, root storage and equipment storage to house all the aspects of the farm. An existing three-car garage will be converted to a farm store for CSA distribution and will be open to the public five days a week.

Mr. Gioseffi presented a short Powerpoint on their plans. He showed the structure of a yurt, which he stated can be assembled or disassembled in a day or two and is erected on a wooden deck platform. Regarding the Committee's previous questions on whether the Township would issue a certificate of occupancy for the yurts, Mr. Gioseffi stated that Cherry Valley Cooperative has met extensively with Township zoning, planning and open space officials, and they have been very supportive and are waiting to hear what happens today. He stated that the Township is very willing to work with them. The Committee asked about the total area occupied by the yurts. Mr. Roohr stated that if a box were drawn around the yurts, the total area would be about 10,000 to 12,000 square feet. Ms. Payne asked about septic and well. Mr. Gioseffi stated that the Township approved composting toilets. Ms. Jones stated that the Cherry Valley Cooperative plan may become a model in the state.

It was moved by Mr. Waltman and seconded by Mr. Stanuikynas to approve Resolution FY2017R2(3) granting approval to Cherry Valley Cooperative LLC to erect eight yurts and two Davis tents that altogether total approximately 5,000 square feet in the location identified in Schedule "A" on the premises to house four year-round and up to eight seasonal full-time agricultural laborers subject to the conditions in said Resolution. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (A copy of Resolution FY2017R2(3) is attached to and is a part of these minutes.)

2. Farm Market/Agritourism Clarification
  - a. Tranquility Farms, Allamuchy Township, Warren County, and Green Township, Sussex County

Mr. Roohr introduced a request from Larry Freeborn, owner of Tranquility Farms, for clarification regarding the extent to which farm market and agricultural tourism activities are permitted on the preserved farm. Mr. Roohr stated that the Tranquility Farms farm management unit is comprised of the 310-acre premises and approximately 515 acres of leased farm property. This is a family operation, with Mr. Freeborn and his children farming on a total of 825 acres with 280 dairy cattle, 400 acres of field crops, 100 acres of hay, 120 acres of sweet corn, 140 acres of pumpkins, 25 acres of green beans, 30 acres of various mixed vegetables raised on high-intensity drip irrigation, and several hoop houses for vegetable and ornamental plant production. Mr. Freeborn markets the output of the farm management unit through wholesale and retail outlets, which includes supplying 25 Shop-Rite and Weis grocery stores, other local farm markets and his own farm market. His current farm market is located across the street from the home farm on land leased from the N.J. Department of Environmental Protection. Mr. Freeborn has found that he has outgrown the current farm market location and would like to construct a new, larger and more modern farm market on a preserved portion of the home farm. This new market would be approximately 3,200 sq./ft. along County Route 517, and he proposes to sell the fruit, vegetable, dairy, meat and nursery/greenhouse plant products raised on the farm management unit at the new farm market.

Mr. Freeborn also plans to expand, in the new farm market, the existing homemade ice cream component of his operations. This ice cream is made from a liquid base mix produced by a creamery that receives the farm management unit's raw milk, with fruit and/or candies added to customize the flavors. Mr. Freeborn has stated that based on current sales, he projects a vast majority of annual revenue from the new farm market will come from the retail sale of the agricultural output of his farm management unit. Mr. Freeborn proposes to complement the retail sale of the agricultural output of the farm management unit at the new farm market with additional products they do not currently produce including, but not limited to, lettuce, potatoes, onions, apples, yogurt, cheese, jams, pies, potting soil, mulch, pots and plant food. Prior to committing to the significant investment needed to construct the new market, Mr. Freeborn is requesting clarification from the Committee regarding what can be sold from a farm market on the preserved portion of the farm. Additionally, he is seeking clarification on the Committee's position on existing and proposed agricultural tourism activities that may permissibly be held on the preserved farm.

Mr. Roohr said he initially received a call from Mr. Freeborn's lender who wanted to confirm that a farm market on a preserved farm is permitted and if so whether there are any rules on what can and cannot be sold out of it. Subsequently he had a number of

conversations with Mr. Freeborn explaining that a landowner certainly can have a farm market on a preserved farm but there are some limits on what can be sold out of a farm market on a preserved farm that is not within an exception area. One of the Committee's previous findings is that more than half of the annual gross income from a farm market on the preserved portion of the farm must come from products that were grown/raised on the farm or farm management unit. The other point the Committee has made is the other 49 percent of sales must be from items related to what is being grown. For example, a Christmas tree farm can also sell Christmas tree stands.

Mr. Roohr stated that Mr. Freeborn understands this but because of the investment he is making in the farm market he wants to make sure what he is planning to do is compliant with the deed of easement. For example, regarding dairy, they like to do homemade ice cream and want to expand that part. They sell raw milk to a place that is getting that converted into an ice cream mixture. The farm is getting that back to be able to make the homemade ice cream. They can't guarantee that once the milk goes into the milk truck that it is all their milk. But with 100 cows milking, they have a substantial amount of milk production. Mr. Roohr stated that the amount of ice cream they sell is less than 1 percent of the volume of milk that the farm produces so the staff believes that is compliant. In a prior case involving a winery on a preserved farm, the winery needed to make wine from blends of grapes that could not be grown in New Jersey. The Committee found that 51 percent of grapes in the bottle needed to be from grapes grown on the farm. Mr. Roohr stated that therefore processed or value-added items, which require the addition of other ingredients, may also be sold as long as the predominant ingredients come from the farm management unit.

Mr. Siegel asked if this would be a 12-month farm market. Mr. Freeborn advised that it probably would operate from Easter through Christmas. Mr. Roohr also referenced the On-Farm Direct Marketing (OFDM) AMP adopted by the Committee, which also incorporates the 51 percent sales threshold for AMP purposes and that the remaining items can be complementary or supplementary. The AMP defines what those terms mean. Mr. Roohr stated that AMPs do not always align perfectly with the deed of easement. The SADC has had to explain in numerous cases that just because something is protected in an AMP does not necessarily mean it is permitted on a preserved farm because of the deed of easement. However, in Mr. Freeboard's case, the AMP and deed of easement align in a very good way. Mr. Roohr stated that in the resolution the SADC essentially is saying is that if your farm market is compliant with the AMP, you are compliant with the deed of easement.

Mr. Roohr explained that Mr. Freeborn has asked about agricultural tourism as it is

becoming a bigger part of farm marketing. The Freeborn' big agtourism event is their Fall Pumpkin Harvest. Mr. Roohr stated that with 140 acres in production, Tranquility Farms may be one of only a handful of farms in New Jersey that sell only their own pumpkins. Mr. Roohr stated that the Freeborns would like to add to the Fall Pumpkin Harvest a pedal cow-train in which children are pulled around as well a pillow bounce for children to play on. The OFDM AMP also refers to ancillary marketing activities and gives a definition of that as enhancing the experience and trying to get people to your farm to buy your product.

Ms. Payne noted that earlier in the meeting she discussed resolutions passed at the State Agricultural Convention earlier in the month. One of the resolutions in the Committee members' packet is the Right to Farm resolution. When staff was discussing this agenda item, what was going through her mind was this request from the agricultural community to try to align Right to Farm and farmland preservation to the extent possible. There should not be totally separate rules most of the time. However, sometimes there's a need for that. For example, sometimes Right to Farm is a higher standard than preserved farmland because of the neighbor impacts associated with Right to Farm that are not embedded in the deed. But in general the agricultural community is asking for more clarity regarding the relationship between the two. The Right to Farm resolution, in part, states:

*“BE IT FURTHER RESOLVED, that we call upon the SADC to continue to take the necessary steps to ensure that owners of deed-restricted farms enjoy the same flexibility in adapting their agricultural operations to achieve economic viability as do owners of non-deed-restricted farms under the Right to Farm Act, specifically in the areas of marketing and agri-tourism.”*

Ms. Payne advised that this case specifically is on point with the request from the agricultural community. That is why staff has taken the approach in this resolution that it has. The intent is to basically say if someone is running a farm market on their preserved farm and is in compliance with the OFDM AMP, it is permitted. If the agtourism activities comply with the SADC's promulgated AMP on agtourism activities, they can be assured of being in compliance with the deed of easement. This is the first case the SADC will have had to explicitly say that. Down the road, as the Committee continues to become more comfortable with this, it could express that through regulations if the Committee so desires. But what staff is trying to do is tie together and create consistencies between Right to Farm standards and what you are permitted to do on a preserved farm where it makes sense to do so. This is exactly what the agricultural community was asking for in this resolution and that is the context for the approach being

taken here.

Mr. Danser questioned the third from the last “Be It Further Resolved” in the Resolution that states that “the use of any structures for farm market or agritourism purposes shall be in compliance with this Resolution, the Deed of Easement, the OFDM-AMP, and all other applicable Federal, State, County and local regulations.” He stated that he wants to make sure it is clear the resolution is not stating that those uses are already in compliance with all those things. Ms. Payne suggested amending the resolution to say “*is subject to*” all these other applicable regulations and laws rather than “*shall be in compliance with.*” She stated that the Committee also may want to modify that in respect to Right to Farm. If they went to build a farm market and the Township gave them a hard time, they could seek Right to Farm protection.

Ms. Payne requested two additional minor amendments to the resolution. The first is at the top of Page 5 to the “Be It Further Resolved” that states “the Committee finds that operation of a farm market that is in compliance with the On-Farm Direct Marketing AMP is considered a common farmsite activity, pursuant to paragraph two of the Deed of Easement.” Ms. Payne wanted to add the words “*as determined by the Committee*” after “AMP.” Ms. Payne stated that sometimes county agriculture development boards make decisions on interpreting the AMP that the SADC disagrees with. Since this is a statement of the SADC’s interpretation of the deed of easement, it needs to be clear that it will be the SADC’s judgment, if appealed to the agency, of whether someone is in compliance with the AMP standard. She wanted to make the same suggestion on the third “Be It Further Resolved” on Page 5 regarding “agritourism activities that meet the definition of ‘on-farm direct marketing activities’ as defined in the On-Farm Direct Marketing AMP, *as determined by the Committee*, are permitted on the Premises.”

Mr. Schilling stated that if there were a dispute it would be appealed to the SADC as a matter of course anyway. Ms. Payne stated that it may not be. Hypothetically, the CADB can issue a site-specific AMP that says they feel the farmer is in compliance with the OFDM AMP and nobody appeals it. The question is whether someone is compliant with the deed, so ultimately the SADC cannot give that decision-making to the counties as it is a joint decision. Ultimately it is the SADC’s role to enforce the easement. Ms. Payne stated that she feels the resolution is saying that the SADC – in determining whether what one does in terms of agritourism is permissible – will utilize its adopted standards contained in the Right to Farm regulations. Ms. Payne stated that her concern is she does not want this misinterpreted that this is the county’s call.

Mr. Siegel stated that for a nonpreserved farm, if a town lets a farmer put up a farm market and does not give him a hard time, he can do whatever he wants. If he needs Right to Farm protection, the 51 percent standard applies, which Mr. Siegel thought was also a floor space standard. Ms. Payne stated that for preserved farms the SADC is looking only at gross sales from the farm market. Mr. Siegel stated that the Committee is making a distinction then between a Right to Farm farm market and an easement farm market. Ms. Payne stated that is correct. Mr. Siegel asked if the Committee needs to point out that there is no problem with milk products. Ms. Payne stated that the resolution states that processed items that have as their primary ingredient(s) the agricultural output of the farm management unit shall be considered the output of the farm. However, if someone grows parsley and sells it to a tomato sauce manufacturer – where it is a tiny percentage of the product – and then comes back and fills their shelves with cans of tomato sauce for sale, that is probably not permitted. Mr. Siegel stated but if they are selling the tomatoes it probably is permitted. Ms. Payne stated correct.

It was moved by Mr. Schilling and seconded by Mr. Danser to approve Resolution FY2017R2(4), as amended pursuant to the Committee's discussion, finding that based on the Owner's representations and pursuant to prior SADC legal determinations, the Owner will remain compliant with his deed of easement provided at least 51 percent of the annual gross sales from the farm market on the premises must be from the agricultural output of the farm management unit and the remaining sales are of "complementary" or "supplementary" products as defined in the On-Farm Direct Marketing AMP. Further, the Committee finds that operation of a farm market in which at least 51 percent of its annual gross sales is generated from sales of the agricultural output of the farm management unit and which operation is in compliance with the On-Farm Direct Marketing AMP, as determined by the Committee, is considered a common farmsite activity, pursuant to paragraph two of the Deed of Easement. The Committee finds that processed items that have as their primary ingredient(s) the agricultural output of the farm management unit shall be considered the output of the farm. The Committee finds that agritourism activities that meet the definition of "on-farm direct marketing activities" as defined in the On-Farm Direct Marketing AMP, and as determined by the Committee, are permitted on the premises. The Committee finds that the Owner's construction on, or use of, the Premises for farm market or agritourism purposes is subject to compliance with this Resolution, the Deed of Easement, and all other applicable Federal and State laws, and such County and local ordinances that may not otherwise be preempted by the Right to Farm Act (N.J.S.A. 4:1C-1, et seq.). The motion was approved. Ms. Brodhecker recused from the discussion and vote. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This action is

not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. A copy of Resolution FY2017R2(4) is attached and is a part of these minutes.

**D. Agricultural Mediation**

1. Certification of New Agricultural Mediator – Autherine Smith Scholl

Mr. Kimmel advised that the SADC periodically receives inquiries from individuals interested in becoming mediators with the Agricultural Mediation Program. The SADC has the ability to add these individuals to the program's roster of mediators if they meet the program's certification requirements outlined in N.J.A.C. 2:76-18.3. Mr. Kimmel stated that Autherine Smith Scholl meets those requirements and staff recommendation is to certify her as an Agricultural Mediation Program mediator.

It was moved by Mr. Danser and seconded by Ms. Brodhecker to approve Resolution FY2017R2(5) certifying Autherine Smith Scholl as an agricultural mediator pursuant to N.J.A.C. 2:76-18.3 et seq. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (A copy of Resolution FY2017R2(5) is attached to and is a part of these minutes.)

**PUBLIC COMMENT**

Donna Rue from Monmouth County stated that the discussion on Tranquility Farms points to another reason why the SADC should send out its newsletter more frequently. Ms. Rue feels agricultural tourism is a very hot topic within the agricultural community.

**TIME AND PLACE OF NEXT MEETING**

SADC Regular Meeting: Thursday, March 23, 2017, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

**CLOSED SESSION**

At 10:40 a.m., Mr. Siegel moved the following resolution to go into Closed Session. The motion was seconded by Mr. Danser and unanimously approved.

“Be it resolved, in order to protect the public interest in matters involving minutes, real estate, and attorney-client matters, pursuant to N.J.S.A. 10:4-12, the N.J. State Agriculture Development Committee declares the next one-half hour to be private to discuss these matters. The minutes will be available one year from the date of this meeting.”

## **ACTION AS A RESULT OF CLOSED SESSION**

### **A. Real Estate Matters - Certification of Values**

It was moved by Mr. Waltman and seconded by Mr. Danser to approve the following Certification of Values for the following County and Municipal Planning Incentive Grant applicants as discussed in Closed Session:

#### **County Planning Incentive Grant Program**

1. Glenn & Ella Eachus H/W (50%) & Rebekah & Travis Eachus H/W (50%), SADC #06-0187-PG  
Block 402, Lot 6, Upper Deerfield Twp., Cumberland County, 54 Gross Acres (Appraisal Order Checklist [AOC]), 53 Net Acres (AOC)
2. Garry and Diane Homan, SADC #06-0188-PG  
Block 28, Lot 7, Stow Creek Twp., Cumberland County, 47 Acres
3. Joanne J. Catalano, SADC #08-0168-PG  
Block 3, Lots 6, 7 and 8; Block 4, Lot 15, Mannington Twp., Salem County, 196.98 Net Acres (AOC), 209.98 Gross Acres (AOC)

#### **Municipal Planning Incentive Grant Program**

1. Edward & Barbara Byrnes, SADC #17-0175-PG  
Block 22, Lot 2, Pilesgrove Twp., Salem County, 44.60 Acres (AOC)

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (Copies of the Certification of Value Reports are attached to and are a part of the Closed Session minutes.)



**ADJOURNMENT**

There being no further business, it was moved by Mr. Danser and seconded by Mr. Johnson and unanimously approved to adjourn the meeting at 11:58 a.m.

Respectfully Submitted,

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

Attachments

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2017R2(1)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

HOPE TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
Maertens, Patricia ("Owner")  
Hope Township, Warren County

N.J.A.C. 2:76-17A. et seq.  
SADC ID# 21-0593-PG

FEBRUARY 23, 2017

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Hope Township, Warren County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Hope Township received SADC approval of its FY2017 PIG Plan application annual update on May 26, 2016; and

WHEREAS, on February 29, 2016 the SADC received an application for the sale of a development easement from Hope Township for the subject farm identified as Block 1200, Lot 2403, Hope Township, Warren County, totaling approximately 23.5 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Hope Township's Project Area 2 and in the Highlands Planning Area; and

WHEREAS, the Property includes one (1), approximately 1-acre non-severable exception area for and limited to one (1) existing single family residential unit and to afford future flexibility of uses resulting in approximately 22.5 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area includes zero (0) housing opportunities, zero (0) agricultural labor units and (0) non-agricultural uses; and

WHEREAS, at the time of application the Property was in hay and poultry/egg production; and

WHEREAS, the owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on June 21, 2016 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on November 3, 2016 the SADC certified a development easement value of \$4,200 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$4,200 per acre based on zoning and environmental regulations in place as of the current valuation date August 2016; and

WHEREAS, the Owner accepted the Township's offer of \$4,200 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on February 8, 2017 the Hope Township Committee approved the application and a funding commitment of an estimated \$640 per acre; and

WHEREAS, the Warren County Agriculture Development Board approved the application on December 15, 2016 and secured a commitment of funding from the Warren County Board of Chosen Freeholders for the \$640 per acre required local match on January 11, 2017; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 22.5 net easement acres):

	<u>Total</u>	
SADC	\$65,700	(\$2,920 per acre)
Warren County	\$14,400	(\$ 640 per acre)
Hope Twp.	\$14,400	(\$ 640per acre)
Total Purchase	\$94,500	(\$4,200 per acre)

WHEREAS, Hope Township is requesting \$65,700 and sufficient funds are available (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Hope Township for the purchase of a development easement on the Property, comprising approximately 22.5 net easement acres, at a State cost share of \$2,920 per acre, (69.52% of certified easement value and purchase price), for a total grant need of \$65,700 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, the Property includes one (1), approximately one (1) acre non-severable exception area for and limited to one (1) existing single family residential unit and to afford future flexibility of uses; and

BE IT FURTHER RESOLVED, the Property includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; and

BE IT FURTHER RESOLVED, the SADC will be providing its grant directly to Warren County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C; and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

2/23/17  
Date



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Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Thomas Stanuikynas (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Brian Schilling, (rep. Executive Dean Goodman)	YES
James Waltman	YES

# Wetlands



X:\counties\warco\proj\de\maertens\_tfw.mxd

Application within the (PA4) Rural Area

Application within the Highlands Planning Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Patricia Maertens/Buckaloo View Farm  
Block 1200 Lots P/O 2403 (22.5 ac);  
& P/O 2403-EN (non-severable exception - 1.0 ac)  
Gross Total = 23.5 ac  
Hope Twp., Warren County

- Property to Question
- EN - (Non-Governmental) Exception
- ES - (Governmental) Exception
- Wetlands Boundaries
- Primary - Limited Access
- Federal or State Highways
- County Roads
- Municipal/Local Roads
- State and Non-Prof. Road Right-of-Way
- State Owned Conservation Easement
- State Owned O/S & Buffer Zone Easement



- Wetlands Legend:**
- FW - Freshwater Wetlands
  - UW - Upland Wetlands
  - AW - Wetlands Modified for Agriculture
  - TW - Tidal Wetlands
  - NW - Non-Wetlands
  - SW - 500' Buffer
  - W - Water

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configurations and geo-referenced location of parcel polygons in this data file are approximate and were developed primarily for planning purposes. The geographic accuracy and precision of the GIS data contained in this file and map shall not be relied upon in cases requiring delineation and location of true ground horizontal and vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

**Sources:**  
 NJ Farmland Preservation Program  
 State Acres Conservation System Data  
 NJ Wetlands Data  
 NJ Highlands Council Data  
 NJ TIGRS 2015 Digital Aerial Image

# Preserved Farms and Active Applications Within Two Miles

X:\counties\warco\projects\maertens\_2mile.mxd



Application within the (PA4) Rural Area

Application within the Highlands Planning Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Patricia Maertens/Buckaloo View Farm  
Block 1200 Lots P/O 2403 (22.5 ac);  
& P/O 2403-EN (non-severable exception - 1.0 ac)  
Gross Total = 23.5 ac  
Hope Twp., Warren County

- Property in Operation
- E1 - (Non-Severable) Exception
- E2 - (Severable) Exception
- Preserved Easements
- Active Applications
- County Easements
- Municipal Easements
- Municipal, County and Non-Peet Preserved Open Space
- State Owned Conservation Easement
- State Owned 0.75 & Non-Severable Easement



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJ Highlands Council Data  
NJOT/OGIS 2012 Digital Aerial Image

**NOTE:**  
The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors





State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Maertens, Patricia  
21- 0593-PG  
PIG EP - Municipal 2007 Rule  
23 Acres

Block 1200	Lot 2403	Hope Twp.	Warren County	
<b>SOILS:</b>		Other	57% * 0	= .00
		Statewide	23% * .1	= 2.30
		Unique zero	20% * 0	= .00
			<b>SOIL SCORE:</b>	<b>2.30</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	66% * .15	= 9.90
		Other	15% * 0	= .00
		Wetlands	19% * 0	= .00
			<b>TILLABLE SOILS SCORE:</b>	<b>9.90</b>
<b>FARM USE:</b>	Hay	15 acres		
	Chicken Eggs	acres		Flock of 9
	Fowls, Broilers & Fryers	acres		Flock of 12

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions:
    - 1st one (1) acres for Existing Single Family Residential Unit  
Exception is not to be severed from Premises  
Exception is to be limited to one existing single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2017R2(2)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

UPPER PITTSBORO TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
Williams, Steven and Kathy ("Owner")  
Upper Pittsgrove Township, Salem County

N.J.A.C. 2:76-17A. et seq.  
SADC ID# 17-0162-PG

February 23, 2017

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Upper Pittsgrove Township, Salem County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Upper Pittsgrove Township received SADC approval of its FY2017 PIG Plan application annual update on May 26, 2016; and

WHEREAS, on January 20, 2016 the SADC received an application for the sale of a development easement from Upper Pittsgrove Township for the subject farm identified as Block 60, Lot 18, Upper Pittsgrove Township, Salem County, totaling approximately 22 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Upper Pittsgrove Township's Project Area; and

WHEREAS, the Property includes zero (0) exceptions, zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application the Property was in hay production and has an approximately 2.5 acre pasture area used for approximately 5 horses owned for personal use that are kept on an adjacent property; no equine service activities take place on the Property; and

WHEREAS, the owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on March 17, 2016 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on May 26, 2016 the SADC certified a development easement value of \$3,750 per acre based on zoning and environmental regulations in place as of the current valuation date April 12, 2016; and

WHEREAS, the Owner accepted the Township's offer of \$3,750 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on July 12, 2016 the Upper Pittsgrove Township Committee approved the application and a funding commitment of \$550.00 per acre; and

WHEREAS, the Salem County Agriculture Development Board (CADB) approved the application on May 25, 2016 and secured a commitment of funding from the Salem County Board of Chosen Freeholders for the \$550 required local match on June 1, 2016; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 22 gross easement acres):

		<u>Total</u>
SADC	\$ 58,300.00	(\$2,650.00 per acre)
Salem County	\$ 12,100.00	(\$ 550.00 per acre)
<u>Upper Pittsgrove Twp.</u>	<u>\$ 12,100.00</u>	<u>(\$ 550.00 per acre)</u>
Total Easement Purchase	\$ 82,500.00	(\$3,750.00 per acre)

WHEREAS, Upper Pittsgrove Township is requesting the SADC to encumber \$58,300.00, and sufficient funds are available (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds consistent with N.J.A.C. 2:76-6.11; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject

to the availability of funds;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Upper Pittsgrove Township for the purchase of a development easement on the Property, comprising approximately 22 gross easement acres, at a State cost share of \$2,650.00 per acre, (70.67% of certified easement value and purchase price), for a total grant of \$58,300 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, the Property includes zero (0), exceptions, zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Salem County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C; and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

2/23/17

Date

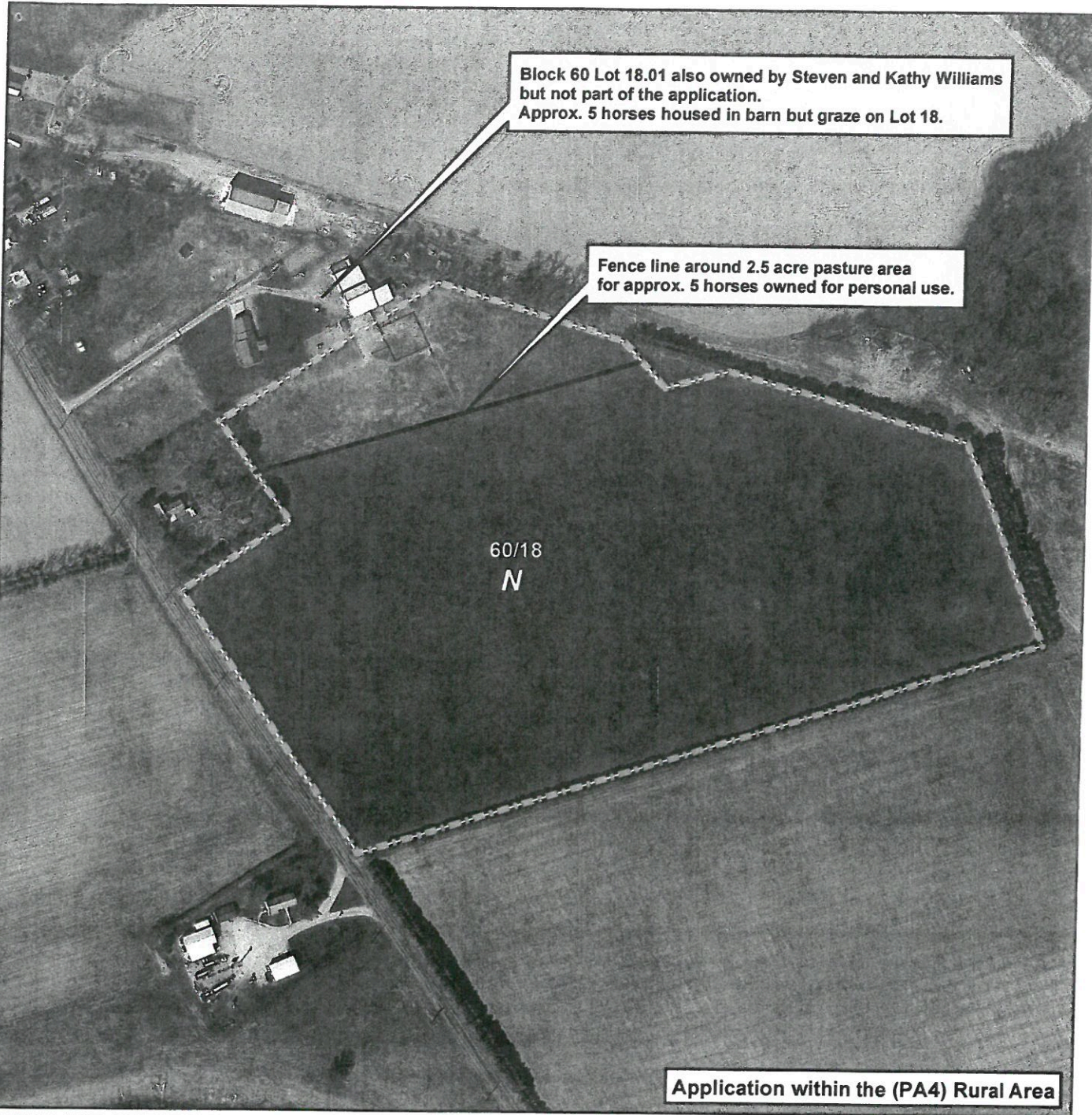


Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Thomas Stanuikynas (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Brian Schilling, (rep. Executive Dean Goodman)	YES
James Waltman	YES

# Schedule A



X:\counties\sac\projects\williams\_s\_schedule\_A.mxd

**FARMLAND PRESERVATION PROGRAM  
NJ State Agriculture Development Committee**

**Steven and Kathy Williams  
Block 60 Lot 18 (21.9 ac)  
Gross Total = 21.9 ac  
Upper Pittsgrove Twp., Salem County**

	Property In Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Ways
	County Roads
	Municipal/Local Roads
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned DIS & Recreation Easement



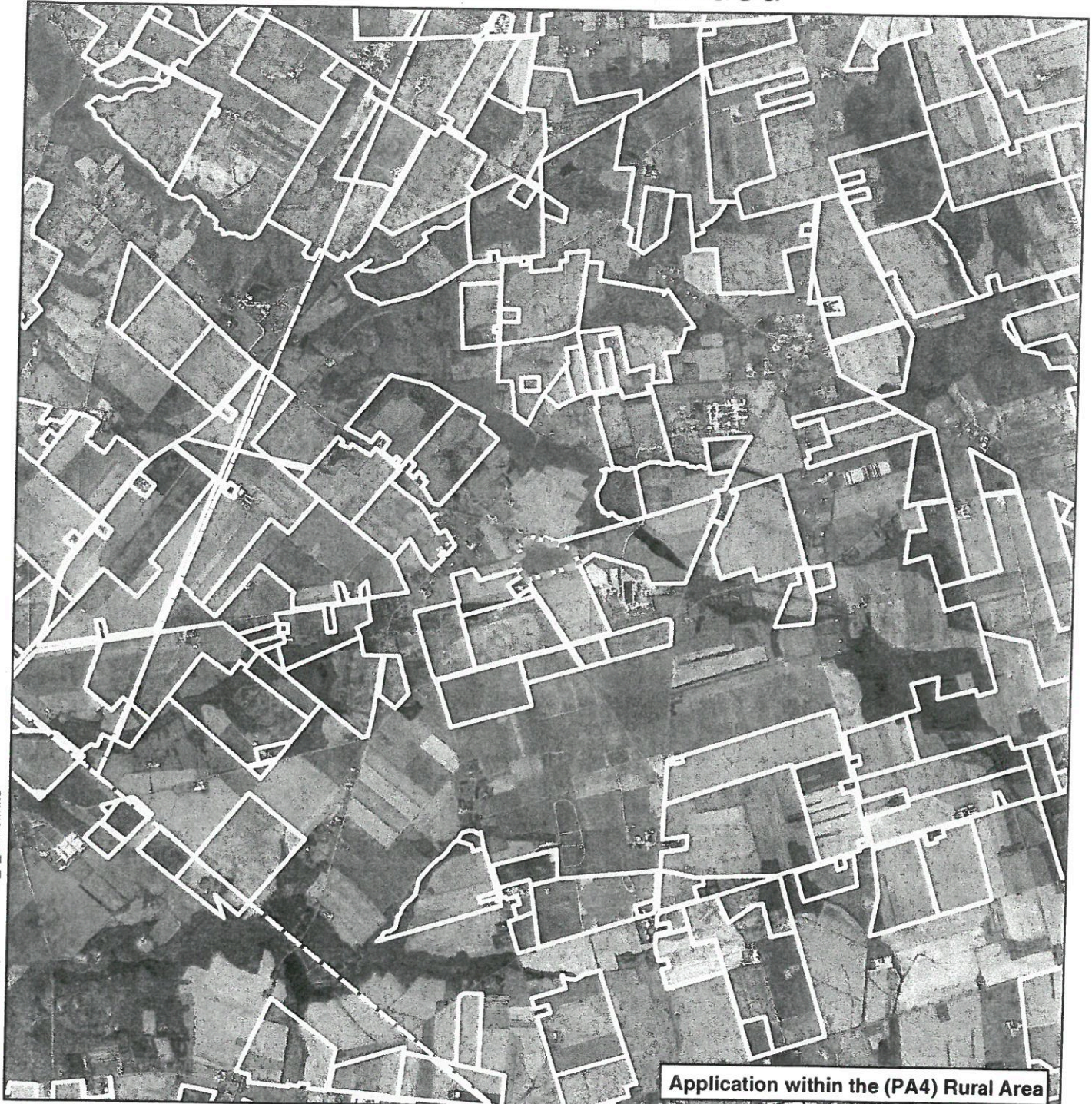
**Wetlands Legend:**  
 F - Freshwater Wetlands  
 L - Linear Wetlands  
 M - Wetlands Modified for Agriculture  
 T - Tidal Wetlands  
 N - Non-Wetlands  
 B - 300' Buffer  
 W - Water

**Sources:**  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJDEP Wetlands Data  
 NJOIT/OGIS 2012 Digital Aerial Image

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

# Schedule A-continued

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Application within the (PA4) Rural Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Williams, Steven and Kathy  
Block 60 Lot 18 (21.9 ac)  
Gross Total = 21.9 ac  
Upper Pittsgrove Twp., Salem County

- Property in Question
- EN - (Non-Reversible) Exception
- ES - (Reversible) Exception
- Preserved Easements
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space
- State Owned Conservation Easement
- State Owned C&R Recreation Easement



2,000 1,000 0 2,000 4,000 6,000 Feet



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJGIT/OGIS 2012 Digital Aerial Image

**NOTE:**

The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors

SADC Municipal Financial Status  
Schedule B

Upper Pittsgrove Township, Salem County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	Grant% Per Acre	SADC			Federal Grant		Grant			Balance
							Cost Basis	Cost Share	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 09	Fiscal Year 11	Fiscal Year 13	
17-0096-PG	Kernan	75.305	75.305	4,200.00	2,920.00	69.52%	316,281.00	219,890.60	219,890.60	191,906.00	221,920.00	219,890.60	219,890.60	1,750,000.00	
17-0097-PG	Newkirk	59.522	59.048	6,500.00	4,150.00	63.85%	383,812.00	245,049.20	245,049.20	191,906.00	245,049.20	191,906.00	191,906.00	1,530,109.40	
17-0108-PG	Schmid	22.845	22.179	6,000.00	3,900.00	65.00%	133,074.00	86,498.10	86,498.10	86,498.10	86,498.10	86,498.10	86,498.10	1,338,203.40	
17-0111-PG	Lewis	19.115	18.542	6,050.00	3,925.00	64.88%	112,179.10	72,777.35	72,777.35	72,777.35	72,777.35	72,777.35	72,777.35	1,251,705.30	
17-0113-PG	Kramme	30.872	30.872	6,600.00	4,200.00	63.64%	203,755.20	129,662.40	129,662.40	166,648.60	129,662.40	129,662.40	129,662.40	1,178,927.95	
17-0120-PG	Sottile	57.534	57.534	4,800.00	3,280.00	68.33%	276,163.20	188,711.52	188,711.52	166,648.60	188,711.52	109,314.60	109,314.60	1,049,265.55	
17-0136-PG	Newkirk/Kernan ancilicost	90.620	85.250	5,300.00	3,550.00	66.98%	451,825.00	302,637.50	302,637.50	234,900.00	331,215.00	302,637.50	302,637.50	929,213.45	
17-0137-PG	Bishop Bros	81.000	81.000	5,800.00	3,800.00	65.52%	489,800.00	307,800.00	307,800.00	234,900.00	307,800.00	302,637.50	302,637.50	626,575.95	
17-0156-PG	Thumliert, Leroy	64.460	64.460	5,600.00	3,533.85	63.11%	360,976.05	227,798.45	227,798.45	234,900.00	227,798.45	227,798.45	227,798.45	318,775.95	
17-0162-PG	Williams, Steven & Kathy	22.000	22.000	3,750.00	2,650.00	70.67%	82,500.00	58,300.00	58,300.00	234,900.00	58,300.00	58,300.00	58,300.00	90,977.50	
Totals Closed		7	355.914				1,877,089.500	1,245,226.670	1,245,226.670	358,554.600	132,540.120				
Totals Encumbered		3	167.460				913,276.052	593,898.450	593,898.450	234,900.000	72,900.000				
										Encumber/Expended FY09	700,734.45				
										Encumber/Expended FY11	49,265.55				
										Encumber/Expended FY13	73,210.40				
										Encumber/Expended FY17	471,422.50				
										Total				4,100.00	
														28,577.50	
														32,677.50	



SADC Final Review: Development Easement Purchase

Williams, Steven & Kathy  
 17- 0162-PG  
 PIG EP - Municipal 2007 Rule  
 22 Acres

Block 60	Lot 18	Upper Pittsgrove Twp. Salem County			
<b>SOILS:</b>		Prime	99% *	.15	= 14.85
		Statewide	1% *	.1	= .10
					<b>SOIL SCORE: 14.95</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	99% *	.15	= 14.85
		Other	1% *	0	= .00
					<b>TILLABLE SOILS SCORE: 14.85</b>
<b>FARM USE:</b>	Hay			19 acres	
	Horse & Other Equine			3 acres	Approx 5 horses for personal use only

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2017R2(3)

Application to Construct Agricultural Labor Housing

OHM Agro Estate, LLC  
(Cherry Valley Cooperative, LLC)

February 23, 2017

**Subject Property:**

OHM Agro Estate, LLC (Cherry Valley Cooperative, LLC)  
Block 31010 (formerly 31001), Lots 20 and 20.01  
Montgomery Township, Somerset County  
63.85 Acres

WHEREAS, OHM Agro Estate, LLC, hereinafter "Owner", is the record owner of Block 31010, Lots 20 and 20.01, in the Township of Montgomery, Somerset County, by deed dated August 22, 2016, and recorded in the Somerset County Clerk's office in Deed Book 6902, Page 3250, totaling approximately 96.9 acres; and

WHEREAS, Mr. Pinakin Pathak is the principal of OHM Agro Estate, LLC; and

WHEREAS, 63.85 of the overall acres, hereinafter referred to as "Premises" (as shown in the attached Schedule "A"), were encumbered with a farmland preservation Deed of Easement, and the balance was encumbered with conservation and open space easements held by Township of Montgomery, Montgomery Friends of Open Space and the NJ Conservation Foundation; and

WHEREAS, the development easement on the Premises, was conveyed to the Montgomery Friends of Open Space (MFOS), pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c. 32, on February 28, 2007, and recorded in Deed Book 6003, Page 248, by the original owners Macpherson, Charlotte, Peter, Whitaker and Christopher Raymond; and

WHEREAS, on February 28, 2007, MFOS assigned a 50% interest in its development easement on the Premises to the Township of Montgomery, which was permitted by the Project Agreement in effect at that time; and

WHEREAS, at the time of preservation the Property included a six-acre non-severable exception area that contains a single family residence, garage, small outbuildings and barn, all in a state of significant disrepair; and

WHEREAS, Cherry Valley Cooperative LLC, hereinafter "CVC", is the Premises' farm operator; and

WHEREAS, Alec Gioseffi, hereinafter, "Farm Manager", is the president and operator of CVC;  
and

WHEREAS, CVC is made up of four distinct farming operations consisting of: (1) organic fruits and vegetables (5-acres); (2) mushrooms (<1-acre); (3) livestock (5-acres); and (4) eggs, each managed by a separate person, and since 2013 these operations have been located on two tracts of farmland in adjacent Franklin Township that provide a total of 11 farmable acres; and

WHEREAS, CVC sells its output through an onsite Community Supported Agriculture business as well as through wholesale accounts with local restaurants; and

WHEREAS, CVC has outgrown its current location and was given the opportunity to locate to and expand its agricultural business operations on the Premises pursuant to a lease with the Owner; and

WHEREAS, with its proposed expansion onto the Premises, CVC has plans to create an area to process its output into value added products and to convert an existing garage into an onsite farm market; and

WHEREAS, on December 2, 2016, the SADC received an application from the Farm Manager, seeking to erect up to eight yurts and two Davis tents in an overgrown, 1/4-acre, corner of the Premise as housing for year-round and seasonal agricultural laborers associated with CVC's expanded operations, in the location shown on Schedule "A"; and

WHEREAS, Mr. Pathak, OHM Agro's principal, has explained that the Farm Manager is authorized to make application for agricultural labor housing; and

WHEREAS, a yurt is a circular domed tent constructed of a collapsible wooden lattice frame covered with a fabric roof and sidewalls and a Davis tent is a traditional four wall canvas style camping tent; and

WHEREAS, the units would be constructed on wooden decks and would utilize composting toilets and greywater filtering systems to minimize impacts to the land; and

WHEREAS, the Farm Manager has stated that quotes to repair and renovate the existing farmhouse on the exception area have been approximately \$500,000; and

WHEREAS, CVC would prefer to put its financial resources toward developing the agricultural production end of its business before making a heavy investment into repairs of the farmhouse; and

WHEREAS, four yurts would be used to provide housing for the year-round operators of the farm, three yurts would provide housing to seasonal employees, one yurt would be used as a communal kitchen/bathroom and the two Davis tents would be used as-needed for farm interns during peak summer months only; and

WHEREAS, CVC has begun converting the Premises into an organic fruit and vegetable operation in conjunction with moving its livestock and egg laying flock to the site for the 2017 season and anticipates the need for four year-round employees and 6-8 seasonal employees this summer; and

WHEREAS, CVC intends to utilize 10-acres of the Premises for variety of fruits and vegetables, 16-acres for livestock pasture, 3-acres for egg laying poultry, 1-acre for mushroom production and will retain 12-acres in cover crops for rotational purposes; and

WHEREAS, CVC has moved livestock onto the Premises, begun erecting hoop houses for spring propagation, and mowed and renovated a previously-abandoned, approximate 10-acre area for fruit and vegetable production; and

WHEREAS, the production techniques employed by CVC on the Premises would intentionally replace conventional mechanical and chemical practices with hand labor, thereby increasing its need for laborers when compared to a traditional operation; and

WHEREAS, the occupants of these units would be full-time, year-round and seasonal, employees of the farm; and

WHEREAS, the Farm Manager has asserted that the availability of affordable housing for seasonal agricultural workers in this area of the county is extremely limited and that the dependence on off-site labor is unreliable and inefficient; and

WHEREAS, the Farm Manager finds that onsite labor is needed to maintain and grow CVC's fruit, vegetable, mushroom, livestock and egg production operations; and

WHEREAS, the living units range in size from approximately 198 sq./ft. to 731 sq./ft. each, and would be used as sleeping/living quarters with kitchen and shower facilities being located nearby in an 855 sq./ft. communal yurt; and

WHEREAS, paragraph 14 of the Deed of Easement states: "Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:

To provide structures for housing of agricultural labor employed on the Premises but only with the approval of the Grantee. If Grantee and the Committee grant approval for the construction of agricultural labor housing, such housing shall not be used as a residence for Grantor, Grantor's spouse, Grantor's parents, Grantor's lineal descendants, adopted or natural...."; and

WHEREAS, the SADC has reviewed CVC's request to erect eight yurts and two Davis tents on the Premises for the purpose of housing CVC's agricultural labor and has determined that the size and location of the units minimize any adverse impact on the agricultural operation; and

WHEREAS, the SADC finds that the proposed units to be used as agricultural labor units are consistent with the requirements of the Deed of Easement; and

WHEREAS, the amount of labor needed to sustain the fruit, vegetable, livestock, egg and mushroom production related activities on the Premises warrants the need for the requested agricultural labor units on the Premises;

WHEREAS, the Township of Montgomery reviewed and approved this request at its January 19, 2017, meeting; and

WHEREAS, Montgomery Friends of Open Space reviewed and approved this request on January 25, 2017; and

NOW THEREFORE BE IT RESOLVED, that the SADC approves the request to erect eight yurts and two Davis tents which altogether total approximately 5,000 sq./ft., in the location identified in Schedule "A", on the Premises to house 4 year-round and up to eight seasonal full-time agricultural laborers; and

BE IT FURTHER RESOLVED, that only agricultural labor employed on the Premises, and their immediate family, may live in the agricultural labor units; and

BE IT FURTHER RESOLVED, that the occupants of the agricultural labor units shall not be the Owner or any lineal descendent of the Owner in conformance with paragraph 14 of the Deed of Easement; and

BE IT FURTHER RESOLVED, that the agricultural laborers shall be employed on the Premises, and engaged in the day-to-day production activities on the Premises, which at this time includes planting, weeding, irrigating, harvesting and the process/packaging of the fruit and vegetable crops as well as care of livestock, pastures, and production of eggs and mushrooms; and

BE IT FURTHER RESOLVED, that the use of any structures for housing agricultural laborers shall be in compliance with all applicable Federal, State, County and local regulations; and

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of approval; and

BE IT FURTHER RESOLVED, that this action is non-transferable; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

*Susan E. Payne*

2/23/17  
Date

Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

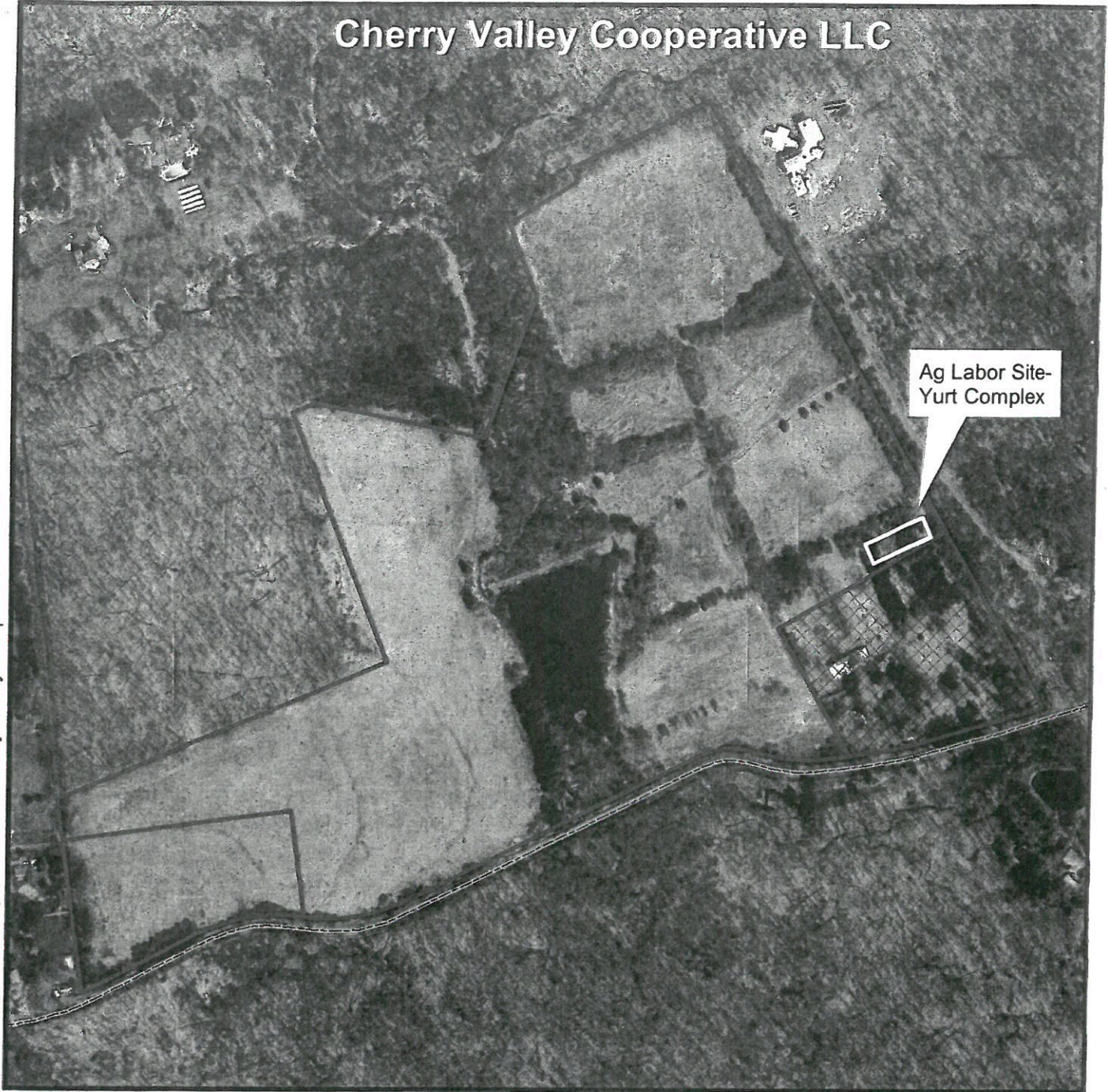
Monique Purcell, Acting Chairperson	YES
Thomas Stanuikynas (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Brian Schilling, (rep. Executive Dean Goodman)	YES
James Waltman	YES

S:\NONPROFITS\Somerset\Raymond-Cherry Valley\Stewardship -Post Closing\Ag Labor Reso 2-23-17  
(smith).doc

# Schedule "A"

## Cherry Valley Cooperative LLC

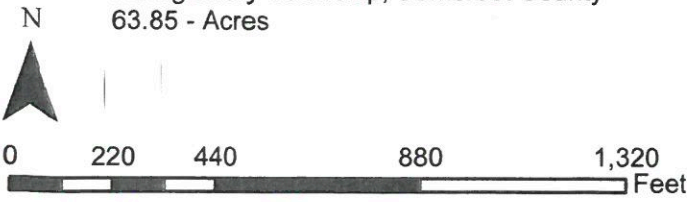
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Ag Labor Site-Yurt Complex

### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Cherry Valley Cooperative LLC  
Block 31010 (formerly 31001), Lots 20 & 20.01  
Montgomery Township, Somerset County  
63.85 - Acres



2/8/2017

Farmland Preservation Program		State Planning Areas	
	PRESERVED EASEMENT		(PA1) METRO
	EXCEPTION AREA		(PA2) SUBURBAN
	PRESERVED EASEMENT / NR		(PA3) FRINGE
	EXCEPTION AREA / NR		(PA4) RURAL
	FINAL APPROVAL		(PA4b) RURAL ENV SENS
	PRELIMINARY APPROVAL		(PA5) ENV SENS
	ACTIVE APPLICATION		(PA5b) ENV SENSITIVE BARRIER IS
	8 YEAR PRESERVED		(P10) PINELANDS
	TARGETED FARM		PARK
	EXCEPTION AREA TARGETED		MILITARY
	INACTIVE APPLICATION		NEW JERSEY MEADOWLANDS
	INACTIVE/FEDERALLY FUNDED		WATER
	NO CORRESPONDING DATA		ELLIS ISLAND- NJ
	PRESERVED/FEDERALLY FUNDED		ELLIS ISLAND- NY
			<b>Base Map</b>
			County Boundaries
			Municipal Boundaries
			Highlands Planning Area
			Highlands Preservation Area
			Pinelands Area
			Green Acres Preserved Easements

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2017R2(4)

Farm Market Clarification

Tranquility Farm  
Larry & Carol Freeborn

February 23, 2017

Subject Property: Block 401, Lots 1 and 6.04  
Allamuchy Township, Warren County  
Block 15, Lot 3 and Block 113, Lot 3  
  
Green Township, Sussex County  
310.29 - Acres

WHEREAS, Larry Freeborn, hereinafter "Owner", is the record owner of Block 401, Lots 1 & 6.04, in the Township of Allamuchy, County of Warren, and Block 15, Lot 3 and Block 113, Lot 3, in the Township of Green, County of Sussex by Deed dated December 13, 2001, and recorded in the Warren County Clerk's Office in Deed Book 1784, Page 1, and recorded in the Sussex County Clerk's office in Deed Book 2521, Page 213, totaling approximately 310 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the counties of Warren and Sussex on December 13, 2001, by the former owner, The Nature Conservancy, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, as a Deed of Easement recorded in the Warren County Clerk's Office in Deed Book 1784, Page 33, and in the Sussex County Clerk's office in Deed Book 2596, Page 298; and

WHEREAS, the primary outputs of the Premises have historically been dairy, hay and grains; and

WHEREAS, upon acquiring the Premises the Owner began to diversify the operation; and



WHEREAS, presently the Owner's farm management unit is comprised of the 310-acre Premises and approximately 515-acres of leased farm property, with the total 825 acres producing 280 dairy cattle, 400 acres of field crops, 100 acres of hay, 120 acres of sweet corn, 140 acres of pumpkins, 25 acres of green beans, 30 acres of mixed vegetables raised on high intensity drip irrigation and several hoop houses for vegetable and ornamental plant production; and

WHEREAS, the Owner markets the output of his farm management unit through both wholesale and retail outlets which include supplying 25 Shop-Rite and Weis grocery stores, other local farm markets and their own farm market; and

WHEREAS, the Owner's current farm market is located across the street from the home farm, on land leased from the NJ Department of Environmental Protection; and

WHEREAS, the Owner has found that he has outgrown the current farm market location and would like to construct a new, larger, more modern farm market on a preserved portion of their home farm, in the location as shown on Schedule "A"; and

WHEREAS, the new market would be approximately 3,200 sq./ft., along County Route 517; and

WHEREAS, the Owner proposes to sell the fruit, vegetable, dairy, meat and nursery/greenhouse plant products raised on their farm management unit at the new farm market; and

WHEREAS, the Owner also plans to expand, in the new farm market, the existing homemade ice cream component of their operations; and

WHEREAS, the ice cream is made from a liquid base mix produced by a creamery that receives the farm management unit's raw milk, with fruit and/or candies added to customize the flavors; and

WHEREAS, the Owner has stated that based on current sales they project a vast majority of their annual revenue from the new farm market will come from the retail sale of the agricultural output of his farm management unit; and

WHEREAS, the Owner proposes to complement the retail sale of the agricultural output of their farm management unit at the new farm market with additional products they do not currently produce including, but not limited to, lettuce, potatoes, onions, apples, yogurt, cheese, jams, pies, potting soil, mulch, pots and plant food; and

WHEREAS, prior to committing to the significant investment needed to construct the new market the Owner requested clarification from the State Agriculture Development Committee (Committee) regarding what can be sold from a farm market on the preserved portion of the farm; and

WHEREAS, additionally the Owner seeks clarification on the Committee's position on existing and proposed agritourism activities that may permissibly be held on a preserved farm, as these activities are becoming more important to the marketing and sale of a farm's output; and

WHEREAS, the Committee has offered formal guidance on the sale of products from markets on preserved farms in two previous cases, Laurita Winery (2005) and Glenn Summit Nursery (2007); and

WHEREAS, in the case of Laurita Winery, the Committee found that to be in compliance with the deed of easement:

- "At least 51% of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the farm. The remaining annual gross sales of the retail market may be achieved through the sale of related commodities"; and

WHEREAS, in the Laurita Winery case, related to processing the output of the farm, the Committee also found that:

- "At least 51% of the grapes processed at the facility shall be grown on the farm management unit"; and

WHEREAS, in the Glenn Summit Nursery case, the Committee found:

- "The use of the Premises for sale of agricultural or horticultural products grown on the Premises or on property owned or leased by the operator is consistent with the terms of the Deed of Easement";
- "The farm operator can sell products not grown on the Premises or on other property he leases or owns as long as a minimum of 51% of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the farm. The remaining annual gross sales of the retail market may be achieved through the sale of related commodities";

WHEREAS, related to agritourism, paragraph two of the Deed of Easement allows for wholesale and retail marketing of the output of the Premises; and

WHEREAS, in the Laurita Winery case, the Committee determined that the primary purpose of any function held at the facility or on the surrounding premises shall be related to the sale of the agricultural product; and

WHEREAS, the On-Farm Direct Marketing AMP defines "on-farm direct marketing activity" as "an agricultural related happening made available by a commercial farm that is accessory to, and serves to increase, the direct-market sales of the agricultural output of the commercial farm. Such activities are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products and include, but are not limited to: agriculture-related educational activities; farm based recreational activities; and ancillary entertainment-based activities"; and

WHEREAS, the On-Farm Direct Marketing AMP defines "agricultural output of a commercial farm" as "the items specified in N.J.S.A. 4:1C- 9.a that a commercial farm produces and the value-added or processed products produced from those items, provided that the primary and predominant ingredients used to produce such products are grown or raised by the commercial farm. Examples of unprocessed agricultural output include, but are not limited to: fruits, vegetables, nursery stock, bedding plants, cut flowers, Christmas trees, and forest and livestock products. Examples of value-added or processed agricultural output include, but are not limited to: meat products, dairy products, cider, canned goods, baked goods, prepared foods, cut firewood, and wreaths";

WHEREAS, the On-Farm Direct Marketing AMP defines "complementary products" as "items commonly used to facilitate the use or consumption of the agricultural output of the commercial farm and promotional items that help market the commercial farm. Examples of promotional items include, but are not limited to, souvenir items such as commercial farm-branded shirts, hats, and bags";

WHEREAS, the On-Farm Direct Marketing AMP defines "supplementary products" as "the agricultural output of other farms, and additional customary food and drink items."

NOW THEREFORE BE IT RESOLVED, that the Committee, based on the Owner's representations and pursuant to prior SADC legal determinations, finds that the Owner will remain compliant with his deed of easement provided at least 51% of

the annual gross sales from the farm market on the Premises must be from the agricultural output of their farm management unit and the remaining sales are of "complementary" or "supplementary" products as defined in the On-Farm Direct Marketing AMP; and

BE IT FURTHER RESOLVED, that the Committee finds that the operation of the Owner's retail farm market in which at least 51% of its annual gross sales is generated from sales of the agricultural output of the Owners' farm management unit and which operation is in compliance with all other applicable provisions of the On-Farm Direct Marketing AMP, as determined by the Committee, is considered a common farmsite activity, pursuant to paragraph two of the Deed of Easement; and

BE IT FURTHER RESOLVED, that the Committee finds that processed items which have as their primary ingredient(s) the agricultural output of the farm management unit shall be considered the output of the farm; and


BE IT FURTHER RESOLVED, that the Committee finds that agritourism activities that meet the definition of "on-farm direct marketing activities" as defined in the On-Farm Direct Marketing AMP and as determined by the Committee, are permitted on the Premises; and

BE IT FURTHER RESOLVED, that the Owner's use of any structures for farm market or agritourism purposes is subject to compliance with this Resolution, the Deed of Easement, the OFDM-AMP, and all other applicable Federal, State, County and local regulations; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

2/23/17  
Date

  
\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

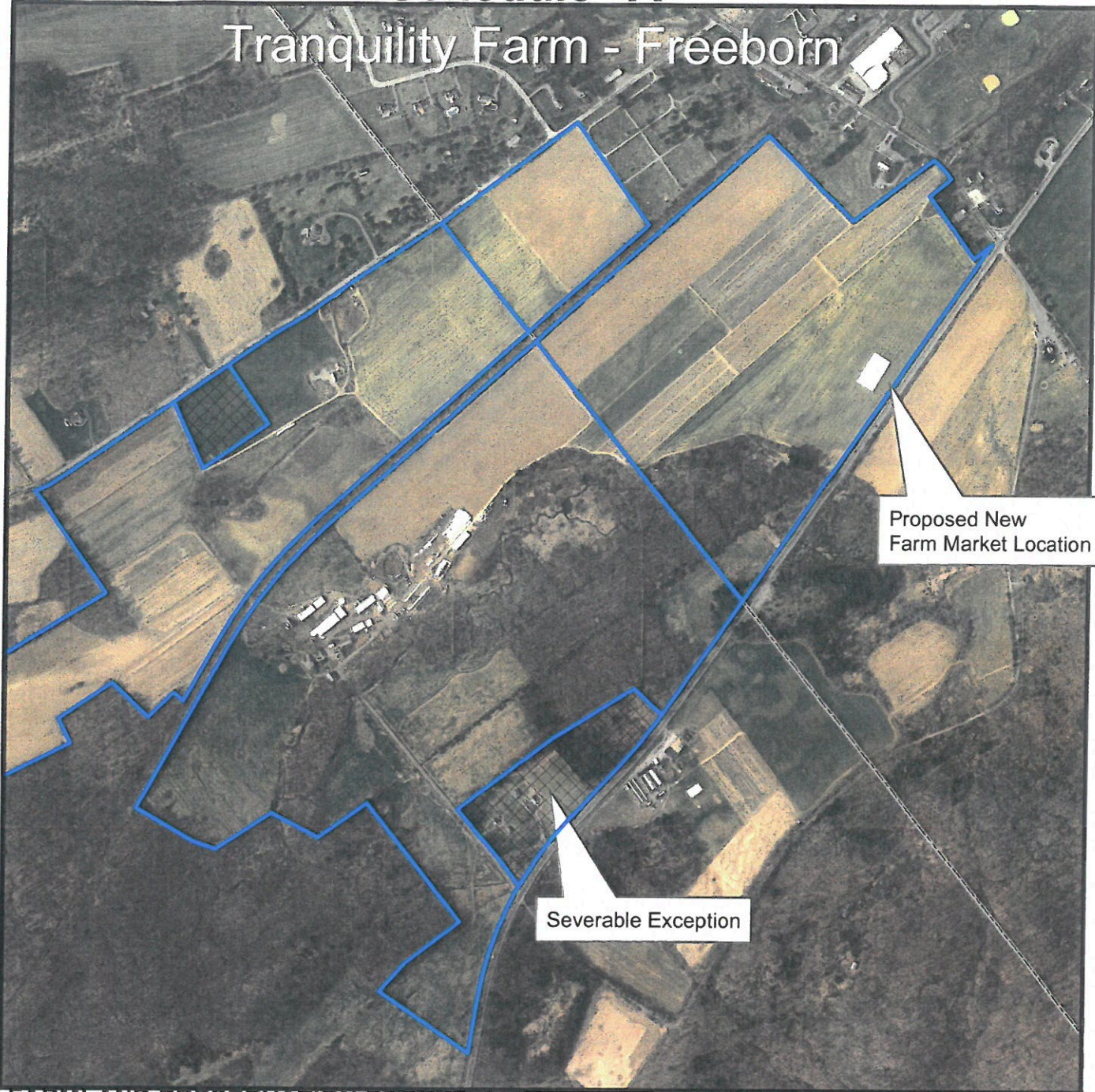
Monique Purcell, Acting Chairperson	YES
Thomas Stanuikynas (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

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# Schedule "A"

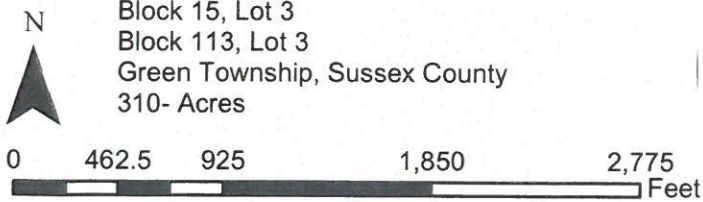
## Tranquility Farm - Freeborn

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### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Tranquility Farms -Freeborn  
Block 410, Lots 1 & 6.04  
Allamuchy Township, Warren County  
Block 15, Lot 3  
Block 113, Lot 3  
Green Township, Sussex County  
310- Acres



2/21/2017

Farmland Preservation Program		State Planning Areas	
	PRESERVED EASEMENT		(PA1) METRO
	EXCEPTION AREA		(PA2) SUBURBAN
	PRESERVED EASEMENT / NR		(PA3) FRINGE
	EXCEPTION AREA / NR		(PA4) RURAL
	FINAL APPROVAL		(PA4b) RURAL ENV SENS
	PRELIMINARY APPROVAL		(PA5) ENV SENS
	ACTIVE APPLICATION		(PA5b) ENV SENSITIVE BARRIER IS
	8 YEAR PRESERVED		(P10) PINELANDS
	TARGETED FARM		PARK
	EXCEPTION AREA TARGETED		MILITARY
	INACTIVE APPLICATION		NEW JERSEY MEADOWLANDS
	INACTIVE/FEDERALLY FUNDED		WATER
	NO CORRESPONDING DATA		ELLIS ISLAND- NJ
	PRESERVED/FEDERALLY FUNDED		ELLIS ISLAND- NY
		<b>Base Map</b>	
			County Boundaries
			Municipal Boundaries
			Highlands Planning Area
			Highlands Preservation Area
			Pinelands Area
			Green Acres Preserved Easements

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2017R2(5)

Certification of Agricultural Mediation Program Mediator

February 23, 2017

WHEREAS, the State Agriculture Development Committee (SADC) coordinates the New Jersey Agricultural Mediation Program to help farmers and others resolve agricultural disputes quickly, amicably, and in a cost-effective manner; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.3(a), persons interested in becoming certified agricultural mediators shall contact the SADC in writing; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.3(b), in order to be qualified as an agricultural mediator, each mediator shall be certified as having satisfied the requirements of a Committee-approved agricultural mediation training session, which shall be a minimum of 18 hours of core mediator knowledge and skills training, including role-play simulations of mediated disputes, as provided by the Committee; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.3(c), the SADC shall certify each mediator who has satisfactorily completed these requirements; and

WHEREAS, Autherine Smith Scholl has satisfied the requirements of N.J.A.C. 2:76-18.3(a) and (b), as she has contacted the SADC in writing to express her interest in becoming a certified agricultural mediator and has completed a 40-hour basic mediation training course through the Superior Court of the District of Columbia, Multi-Door Dispute Resolution Division; and


WHEREAS, Ms. Scholl's experience and background includes mediating cases as a mediator for the Superior Court of the District of Columbia; arbitrating cases as an arbitrator for the Pennsylvania Court of Common Pleas; teaching courses in law related education, including conflict resolution and mediation, as an adjunct professor at the University of the District of Columbia; and conducting civil mediation related continuing legal education trainings for Pennsylvania attorneys through the Cape School;

NOW THEREFORE BE IT RESOLVED, the SADC certifies Autherine Smith Scholl as an agricultural mediator pursuant to N.J.A.C. 2:76-18.3 et seq.

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

2/23/17  
Date

  
\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Thomas Stanuikynas (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice-Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
James Waltman	YES